

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

BEAU ASHLEY DERISE

CIVIL ACTION NO. 6:21-CV-00374

VERSUS

JUDGE CAIN

HILTON GARDEN INN, ET AL.

MAGISTRATE JUDGE HANNA

ORDER

Pro se plaintiff Beau Ashley Derise has filed numerous baseless lawsuits in this district. He was offered the opportunity to clarify his complaints by testifying at a *Spears* hearing, but he failed to appear,¹ and he was ordered to appear in court on December 27, 2021 to show cause why he should not be placed on the district's list of sanctioned litigants.²

In the captioned lawsuit, Mr. Derise filed a *pro se* complaint that was dismissed for lack of jurisdiction and for failure to state a plausible nonfrivolous claim upon which relief could be granted.³ Mr. Derise recently sought to reopen the lawsuit, filing a motion seeking to have summonses reissued and to have a copy of his motion attached to the complaint.⁴

¹ Rec. Doc. 9.

² See Rec. Doc. 6 in Civil Action No. 6:21-cv-03669.

³ Rec. Doc. 13.

⁴ Rec. Doc. 14.

Some of the factual allegations set forth in the recent motion reiterate allegations made in Mr. Derise's original complaint but attribute the alleged actions to a private investigator named John Heinrich rather than insurance adjuster Thad Efferson referred to in Mr. Derise's complaint. The recent motion also alleges that Mr. Heinrich engaged in fraudulent or criminal activity after Mr. Derise filed his rash of lawsuits. But neither Mr. Efferson nor Mr. Heinrich was named as a defendant in Mr. Derise's lawsuit; therefore, the allegations in the recent motions do not support claims that can be remedied by the court. Furthermore, Mr. Derise alleged in his motion that Mr. Heinrich stole the summonses issued in this case, preventing service on the defendants. But Mr. Derise filed documents in the suit record indicating that he mailed the summonses to the defendants.⁵ Accordingly, Mr. Derise did not support his motion with valid factual or legal reasons for reopening his lawsuit.

Because Mr. Derise is not represented by counsel, his pleadings must be held to a more lenient standard than those of attorneys⁶ and construed liberally.⁷ Even after applying this standard, Mr. Derise has not presented a valid argument for

⁵ Rec. Doc. 8.

⁶ *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 378 (5th Cir. 2002).

⁷ *Cledera v. United States*, 834 Fed. App'x 969, 972 (5th Cir. 2021) (citing *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006)).

reopening his lawsuit. Accordingly, because he failed to show good cause for reopening his lawsuit,

IT IS ORDERED that Mr. Derise's motion (Rec. Doc. 14) is denied.

Signed at Lafayette, Louisiana, this 21st day of December 2021.

A handwritten signature in black ink, appearing to read 'Patrick J. Hanna', is written over a horizontal line.

PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE